SHERMAN LAW ATTACKED

They Seek to Take Their Case to Supreme Court, Avoiding Delay of Trial in Lower Tribunal.

Chicago, Nov. 14.-The indicted Chicago meat packers sprang a surprise on the government to-day when they made another effort to avoid trial and to have the Sher man anti-trust law declared unconstitutional. The latest move consisted in the surrender of the packers to the United States marshal and an immediate appeal to Circuit Judge C. C. Kohlsaat for a writ of habeas corpus. The arguments will be

heard on Thursday. siltutionality of the Sherman law before undergoing trial was said to have been taken as a necessary step to carry the case before the United States Supreme Cour without the cost or delay of a trial

Violations of the fifth, sixth and eighth mendments to the Constitution, ambiguity and alleged failure of the act either to create an offence against the government or to define what it set up as an offence in a manner that would enable a citizen to know when he erred and when he did not were charged against the Sherman law as interpreted by the United States Supreme Court in the Standard Oil and To-

Government attorneys were cut off from much of the results of their long investigation into the meat packing industry by the sudden move of the packers. Instead of a trial on evidence, the fight, for a time at least, must be conducted purely as an argument of law.

Sherman Law Attacked.

of first issue as to the guilt or innocence of the packers, but a plain attack on the validity of the Sherman act, according to attorneys for the packers

The Supreme Court, they say, in the Tobacco and Oil cases, converted the Sherman law into an illegal enactment, since by placing each individual or corporation on a standard of its own, built up on its peculiar individual acts, it took away from all individuals the possibility of knowing how their acts were to be viewed by a jury "in the light of reason," and this obscurity of definition of what constituted crime was contrary to the Eighth Amendment to the Constitution.

In short, the petition, the attorneys say charges the Supreme Court's interpretation with nullifying the Sherman law, in spite of its action in ordering the dissolution of the American Tobacco Company and the Standard Oil Company, Only an adverse decision to the packers' contention by the Supreme Court will give the government attorneys an opportunity to use the material they have gathered for the prosecution. In the meantime the trial, scheduled for Monday of next week, probably will be portponed, pending the decision of the higher courts on the new question.

Packers' Counsel Talk.

John S. Miller, who, as chief of counsel n and say who rightfully can be detained and who set at large.

Levy Mayer, of the packers' counsel, said

Our move was inspired only by a desire to have a fundamental and all powerful principle of law determined for all time. It is a mental impossibility for the most high neinded or able lawyer to determine in ad-vance what will be called reasonable or un-reasonable restraint of trade by a jury. To leave it to the cours and juries to deter-wise, what shall constitute a crime is to

Declare Sherman Law Unconstitutional. The petition for a writ of habeas corpus

argument used by the packers before District Judge Carpenter when they sought to have the indictments quashed, and later in the arguments demurring to the court's es into more detail in the allegation of insufficiency of the statute to set up a crime, and it lays more stress on what the attorneys for the packers characterize as the citizen's inability to know whether he is a law breaker or not before a jury trial. Along this line the petition said:

The alleged criminality of the alleged ransactions complained of in the indictions will depend entirely upon a particular jury's view of the reasonableness r unreasonableness of the particular case, twill depend, not on any standard erected withe law which may be known in advice the law which may be known in ad-

There is no set standard fixed or at-tempted to be fixed, to guide the citizen to a knowledge of his guilt of innocence of an offense charged, before it has been adjudi-

ie act violates the Sixth Amendment to Constitution of the United States, in requires that the petitioners sev-ly shall be informed of the nature and

It further is charged that the act attempts to establish as a crime acts not criminal but civil in nature. The large ultitudinous transactions of a national business is pointed out as an indication of the great cost a trial will impose, both on the defence and the prosecution, hence the request that the constitutionality of the

act be determined. It became known to-day that since the return of the indictments there has been a reorganization of the National Packing Company. Private weekly meetprices were fixed, territories allotted and amounts of interstate shipments by each of the firms decided, have been discon by the directors. Edward Tilden remains as president and director. J. Ogden Ar-

mour. Edward Morris, the Swifts and other Of the ten packers indicted all but J. Ogden Armour were temporarily in custody while the petition was heard. The Swift & Co.; Edward F. Swift, vice-presint of Swift & Co.; Charles H. Swift, director of Swift & Co.; Edward Tilden, known the Department of Justice was de-Armour & Co.; Edward Morris, president Sherman anti-trust law until the Missouri of Morris & Co.; Francis Fowler, director state ouster suit was determined. This of Swift & Co.; Thomas J. Connors, di- course was adopted in order that the gov-

were released on bonds of \$10,000 each.

Walter Stabler and Henry Morgenthau A large crowd was in attendance to-day continued their strictest attention was paid to the strictest attention was paid to the effort to reach an agree agreements heard a great market is expected this winter clusion was reached.

OFFICERS AND DIRECTORS OF THE NEW YORK STATE FEDERATION OF WOMEN'S CLUBS.



Left to right-Mrs. Eugene J. Grant, second vice-president; Miss Mary Garret Hay, president; Mrs. William Tod Helmuth, honorary president; Miss Florence Guernsey, General Federation secretary; Miss Anne Rhodes, director; Mrs. Vasco P. Abbott, director; Mrs. Charles H. Stecker recording secretary, and Mrs. John Francis Yawger, corresponding secretary. (Photo copyright, 1911, by Paul Thompson.)

enti-trust law, which plan is now before

s understood to embrace a provision for segregation of the International Harvester

Company of America from the New Jersey

Company of New Jersey was incorporated

at Trenton on August 12, 1902, as a combi-

nation of the McCormick Harvesting Ma-

chine Company, the Warder, Bushnell &

Hessner Company, the Deering Harvester

Proceedings Brought in 1907.

ers in each county of the state of Missouri

secured from Mr. Perkins valuable and

necessary evidence to make a case against

joyed by Canada.

and paper of free entry into America.

dor, is expected to take up the subject with

Secretary Knox in a few days. The Ger-

man note is purely formal and is intended,

as explained at the embassy, to save the

Police Commissioner Waldo said yester-

day that the fixed post system would be

river front. Patrolmen will not be drawn

The Commissioner further said that in

the event of exceptionally cold weather the

WITH BROKEN NECK GOES HOME

Waldorf Miller Leaves New Rochelle

Hospital After Four Months.

neck diving from the rocks at Hudson Park

on the night of July 3, was taken from the

New Rochelle Hospital to his home in

Clinton avenue yesterday. He was injured

as his older brother, Fred, who was killed

He has regained the use of his arms and

alyzed below the arms, he is in excellent

health, cats well and has gained twenty

his physicians that the paralysis will never

SCANS ELECTION EXPENSES

Representative of Prosecutor Examines

Candidates' Certificates.

A representative of the District Attor

Certificates were filed vesterday by sev-

reduced, though Waldorf retains the

at the same spot and in the same manne

three years ago

at that time a member of T P

the harvester company.

D. M. Osborne & Co.

The International Harvester

the Department of Justice for its approval

HARVESTER CO. IS OUSTED

International of America Violated Anti-Trust Law.

The fight thus becomes, not a question MUST PAY FINE OF \$50,000

Court to Investigate How Decision was Known in New York Before Delivered.

national Harvester Company of America Herbert S. Hadley, then Attorney General by the Supreme Court to-day. The court's International Harvester Company of Amer- jail sentence.

ternational Harvester Company of New of preventing competition and giving the Jersey, which the court held to be unlaw- New Jersey company a monopoly of the ful, that the ouster of the International business, the International Harvester Com-Harvester Company of America will be pany of America compelled its retail deal-

The harvester company must file proofs to handle and sell only the products of the of its willingness to comply with the judg- International Harvester Company. ment of the court. The proofs must be approved by the Attorney General.

Judges Lamm, Brown, Ferris and Wood- H. McCormick, president of the New Jerson concurred in the opinion. Chief Jus- sey company, who was also president of tice Vailiant wrote an opinion, which was the International Harvester Company of concurred in by Judges Lamm, Brown and America. The deposition of George W. for the packers, conducted to-day's action, characterized the Sherman law as a be fixed by the court after the company tee of the New Jersey company, who was 'net large enough to catch all possible ofmade a showing that it would comply with

"Gigantic Nefarious Scheme."

The opinion found that competition was essened, and that practically all of the harvester business was done by the rewas contrary to the laws of the State of Missouri for one company to conduct

The respondent was a part and parcel of this gigantic and nefarious scheme. For

Judges of the Supreme Court are much wrought up over the fact that the Harvester company ouster decision became known in New York and elsewhere in ad-

Chief Justice Valliant and Justice Lamb began an inquiry late to-day in an effort o fix the responsibility for the "leak. other court attachés were questioned. The maury will go on until the judges learn During Winter in "Exposed Sections." how their finding was given unauthorized

publication The report that the Harvester company eliminated in the exposed sections of the custed was circulated in New city during the rigorous winter months. York at 10 o'clock this morning. The court | The "exposed sections," he explained, were ild not convene until 10:50 and it was 11:97 those either highly elevated or near the chen its decision was handed down.

Knowledge of the decision affected the from these sections at night, but instead of New York stock market, Harvester shares doing "peg" duty will perform regular reaking five points before the decision was patrol. fficially announced from the bench.

precinct commanders would be authorized Chicago, Nov. 14 .- Officers of the Internato relieve men on fixed posts every half ional Harvester Company to-night were unable to indicate what course they would hour instead of every hour, as is now the practice. He said the ideas were his own take to meet the action of the Missouri Su oreme Court, they said

President Cyrus H. McCormick said; A directors' meeting, at which the com-sany's counsel will suggest what action right be taken, will be called shortly. We ried to conduct our business so as to meet approval of customers and of the laws of the states. The difficulty of doing this is shown by the fact that the Kansas Supreme Court, covering the same chief point, took a stand just the opposite of the Missouri court.

Washington, Nov. 14.—The writ of ouster ssued against the International Harvester Company by the Supreme Court of Missouri to-day, it is said in federal government the pending negotiations between the har-Justice looking to the disintegration of the corporation. No suit will be filed by the Department against the so-called trust until hope of a voluntary dissolution has van-

Refore the barvester company came forward with a proposition to dissolve, it is laying the institution of any action in the courts against the corporation t ector of Armour & Co., and Louis H. ernment might be fortified with any princi-The next move of the government now,

The voluntary disintegration of the com- his interest was or just ng the speakers at the opening of pany is still an active issue between the ascertain could not be learned. estate course at the West Side department and the corporation. Assistant branch of the Young Men's Christian As- Attorney General Fowler and A. Bancroft, eral of the judicial candidates. All of them

No. 318 West 57th street, last general counsel for he harvester cor pany. made affidavit that they did not spend anyto-day continued their conferences in an thing to further their campaigns. Among Justice Cohalan, Justice Pendleton, Justice-

Mailed anywhere in the United States or \$2.50 a year.

The reorganization plan of the International Harvester Company of New Jersey to meet the requirements of the Sherman that he spent nothing.

TELLS SMUGGLING COST Prosecutor Says Offenders Have

Paid In \$8,000,000. Facts and figures relating to the fight made by the government to stamp out muggling at this part were presented by United States District Attorney Wise to their first monthly luncheon yesterday.

Company, the Milwaukee Harvester Comoany and the Plano Manufacturing Company. Since then it has absorbed several unfair advantage over his competitors who other harvester concerns, among them the Aultman & Miller Buckeye Company and Mr. Wise. "It is not proper that they these words after his retreating back: should have the right to associate with respectable people and live in luxury as and wife go hand in hand to the polls." Proceedings were brought in the Missouri | the result of their crimes when the honest Supreme Court on November 11, 1207, by man is starved by their competition and anything worse of suffrage than that he perhaps forced unwillingly to the commis- didn't believe that 2 per cent of the women was ousted from Missouri and fined \$50,000 and now Governor of Missouri, against the sion of a crime for which he may serve a ica, for its ouster from the state for al-

decision sustained the findings of Special commissioner Theodore Brace, who reported to the court that the company violated the common and anti-trust laws of Missouri. Among the allegations in the particular trust laws of Missouri. Among the allegations in the particular trust laws of Missouri. The court ruled that the fine must be paid on or before January 1, 1912, and that if the International Harvester Company proves to the court by March 1, 1312, that it has ceased all connection with the International Harvester Company of New pany's products, and that, with the object transformal Harvester Company of New parse different many of New parse of proventing competition and giving the least thirty months at this port international thirty months at this port in the whole of womankind, but you are not. It can see that some of you want to vote and that looks as though all of you wanted to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are not to, but there are a whole lot who are

Mr. Wise then said that the duties paid here on jewelry and precious stones by passengers in 1965 amounted to \$170, while in 1911 \$190,905 was collected from the same Referring to the smuggling practised by Duveen Brothers, the art dealers, Mr.

"It is not an excuse for them to say they are patrons of art. If we are to have art at the price of dishonesty, it were bet-ter that we should do without the art."

mission, among the witnesses being Cyrus GOOD ROADS MEN MEET Rochester Convention Hears State Engineer Speak.

Rochester, Nov. 14.-With distinguished speakers to lend impetus to its efforts for eighth annual convention of the American by Attorney General Major, of Missouri, who had succeeded Mr. Hadley in the Roads Congress opened its four day sesoffice. Mr. Major said that the state had sion here to-day.

In the morning addresses perintendent of Highways, who repre sented Governor Dix; Mayor H. H. Ed GERMANY ASKS FREE PAPER gerton of Rochester, for the city; Sheriff Reard of Supervisors, and A. B. Eastwood Lays Formal Claim to Privilege Enfor the Chamber of Commerce

The afternoon session was devotmade to this the State Engineer, J. A. Bensel. government in regard to duties on wood said it might be wise for people of this pulp and printing paper, the German Em- state to try the referendur administration. He also said that highway ment formally claiming, under the favored organization should be by election. Renation clause of the existing treaty, the ferring to the roads, he said the wors same privileges enjoyed by Canadian pulp roads in this state are those connecting

lines between principal cities. SETS ASIDE \$15,000 VERDICT

Court Says Plaintiff's Attorney Triumphed Over Evidence.

In setting aside a \$15,000 verdict brought FIXED POST SYSTEM CHANGES in by a jury in the Supreme Court yesterday Justice Erlanger said the jurymen had Waldo Will Eliminate "Peg" Duty triumphed over the evidence in the case The court added that he was not swayed

> The suit was brought by Edward Thacher, an engineer, against the New York, West i piece of mail matter properly stam and mailed had reached its destination.

MAGAZINE MEN INDICTED

and had not been suggested by the patrol- Four Columbian-Sterling Officials To Be Arraigned To-day.

Indictments charging fraudulent use of Magazine Company were returned yesterday by a federal grand jury against Frank Orff, president; J. F. B. Atkin, counsel director of the company

There were three counts in the indict-They charged conspiracy to de fraud by means of the mails, false and fraudulent representations and promises made to various stockholders of the Columbian Magazine Publishing Company in order to Induce them to exchange their stock for stock in the Columbian-Sterling Company; and false representations concerning the value of Hampton's Magazine which was merged with the Columbian Magazine.

ligazine.
The four defendants were arrested last eek and were released on ball. They will be arraigned to-day under the indictments.

HERMIT REMEMBERED ODELL

Los Angeles Resident Left New Yorker \$8,000-May Not Be Kin.

Los Angeles, Nov. H .- A petition to proate the will of Abram H. Odell, a hermit ho died here recently at No. 214 West 21st treet, was filed to-day. The first beques \$5,000 to Benjamin B. Odell, formerly Governor of New York, of Newburg. Other bequests are: To each of the children of Benjamin B. Odell, \$1,000; to each of four children of his sister, Mrs. Maria Haines, at Crugers Westchester County, N. Y., \$1,000; to Herbert Odell, son of Benjamin B. Odell, is bequeathed a diamond ring and stud, a gold watch and £,000.

Newburg, N. Y., Nov. 14.-Former Gov who filed their certificates were ernor Benjamin B. Odell has not received word of the bequests to himself and his

Tells State Federation "They Don't Want to Vote."

FORGETS KEYS TO THE CITY

orary president of the "Fed," got up to speak, which was after the Mayor left, she immediately said:

Wife and Takes Her Away.

There is one man in New York into whose soul Mayor Gaynor's utterances sink deep. His name is A. Schindler. A. Schindler attended the opening session of the New York State Federation of Women's Club at the Hotel Astor yesterday-yes, men are allowed there—and heard the Mayor's voice was-exceedingly weak. And his head, he told the women, was got the thousand-odd women before him that they "wanted to break up the old notion of the unity of man and women, of man and wife."

That made A. Schindler uneasy, but when toward the end of his speech the Mayor remarked that he "assumed their husbands knew where they all were," A. Schindler as where they all were, "A. Schindler toward the end of his speech the Mayor remarked that he "assumed their husbands knew where they all were," A. Schindler as sink law, in her president's report, observed that she was a suffrage. Association, apply the speech of the many for the Mayor's voice was exceedingly weak. And his head, he told the women, was good bit about it yesterday even aside from what the Mayor remarked that he "assumed their husbands knew where they all were," A. Schindler as civally couldn't contain himself any sink and the speech the Mayor remarked that he "assumed their husbands knew where they all were," A. Schindler as cival the speech the Mayor remarked that he "assumed their husbands knew where they all were," A. Schindler as cival the many suffrage as suffrage to the facility in such are called liability insurance situation is a called liability insurance settle called liability insurance settle called liability insurance settle and them as not for for form and suffrage leads of far and invo

knew where they all were," A. Schindler simply couldn't contain himself any form, and a minute later an announcement was made in a loud voice: "Mr. A. Schindler wants his wife im-

mediately. A. Schindler got her and went away

with her, reassured. by a big policeman in uniform and es- man, who was one of the speakers. seat was dreadfully disappointed because my hair this morning." he didn't have the keys of the city with she kept muttering:

Some Disappointed in Mayor.

Some others were disappointed in the Mayor, too, or sugry at him, according to their several natures. These were the there were many on the platform and in the National Jewelers' Board of Trade at the audience. Mrs. Philip Carpenter, who introduced Mayor Gaynor as "one in whom "The man who successfully defrauds the she could almost see a possible president government by smuggling is obtaining an of the State Federation of Women's Clubs." was so vexed by his observations on votes pay full duties upon similar articles," said for women that when he left she shot "The best unity is that in which husband

After all, though, the Mayor didn't say of the country wanted to vote. Then he said:

MAYOR TALKS TO WOMEN get it. The men are not going to keep it HOTCHKISS GIVES WARNING.

Then the Mayor begged the women to eave the world a little of the beautiful old Insurance Head Watching Liaidea of the unity of nusband and wife, and

urged them not to be too sapid in their re-"Some copie," he said. "want to destroy corrything, and they want to do it in twenty-four hours. It may be very bad to destroy even a bad thing in twenty-four heavy expenses and said his department's kiss, State Superintendent of Insurance,

When Mrs. William Tod Helmuth, hon- efforts to see that such concerns were orary president of the "Fed," got up to solvent was becoming more and more diffispeak, which was after the Mayor left,

State Woman Suffrage Association, and ler simply couldn't contain himself any longer. He scribbled something hastily on a bit of paper and sent it to the platter, and their speeches were not form and a minute later an announce-

lacking in allusions to their cause. The seventeenth annual convention of the State Federation began amid a mass of rbses and chrysanthemums, with which the platform was banked. The rule of "no Mayor's Secretary Tells Them They The Mayor arrived promptly at 10 o'clock hats" was rigidly enforced, and caused and marched into the convention, preceded some agitation to Mrs. J. Borden Harri-

orted by Miss Mary Garret Hay, president "I didn't know," she said, "that I'd have of the "Fed." One woman in a front to take off my hat. You see I-I washed

"It looks very pretty," said Miss Hay. him-having read that he was coming to: Mrs. Harriman said that "some women, secretary to the Mayor; J. D. Ellsworth hand them over-and all through his speech | wanted to vote and some didn't, and many were indifferent, but, anyhow, a great deal "But where are the keys? I don't see could be done by welfare work to make those who totled happier." She gave examples of how employers had been "tactfully induced to better conditions for their workers."

Other speakers were Chief Justice Russell of the Court of Special Sessions, Willwomen with suffrage proclivities, of whom iam S. Bennet and Miss Helen Varick Bos-

The hotel detective was called on in the afternoon to trace a \$100 fur coat belonging to Mrs. W. D. Salter. She left it hang- advertisements for the newspapers and the ing over a chair in the box taken by front and back sections of the magazines" Sorosis, and when she returned it was gone Up to a late hour she had not recovered it.

BANK OF BURMA FAILS. London, Nov. 14.-A dispatch from Rangoon, British India, announced the failure OPPOSE TOBACCO TRUST PLAN.

of the Bank of Burma to-day. The bank's deposits on June 30 last were \$3,750,000.

James C. McReynolds, special counsel for SUIT FOR \$140,000 SETTLED. the government, and Henry A. Wise, When the case of Joseph F. Gatins United States Attorney, of a motion by against the stock brokerage firm of Dick independent tobacco interests to intervena

and others.

the reorganization of the Tobacco the Supreme Court for a continuance of Trust, returnable to-day. The notice was the trial of the suit it was amounced that served by Felix H. Levy, as counsel for the National Cigar Leaf Tobacco Association and other organizations of independent tobacco men opposed to the reorganization plan as approved by the Circuit Court.

bility Companies.

business demands revision downward of

ADVERTISING WRITERS DINE

Cost Him Much Money.

The members of the Sphinx Club stopped

writing advertising copy early yesterday

afternoon, went home and donned evening

clothes and proceeded to the Walderf-As-

toria, where they sat down to dinner and

listened to speeches by Robert Adamson,

Mr. Adamson told the diners that they

had parted him from much hard earned

"You have made me buy hair restorers

safety razors and various breakfast foods,

said Mr. Adamson. "Some people may have

the notion that Arnold Bennett, or Mr

Chesterton, or our Robert W. Chambers

writes the real best sellers. But for good,

strong writing, for literature that stirs the

blood, give me the fellows who write tha

Mr. Adamson thought the Sphinx Club

could perform a real service for the city by

nducfing the municipality to establish a

Notice was served yesterday on counsel

for the American Tobacco Company, on

department of advertising.

money through their alluring advertise-

Albany, Nov. 14.-William H. Hotch-

Memories!

To the man with memories buried under a load of business activities and

-Ages away from those golden days when, arm in arm with the best fellows, you sang "On the Road to Mandalay" or lifted the roof with "The Stein Song."

Just as you sang them-with the same swing, the same pianissimo here, fortissimo there, a slight retarding at this point, a quick acceleration at another-just as you sang them, whether you know how to play the piano or not-so you may now play them with

The Angelus

The only piano-playing mechanism—built in the piano-permitting, through the Phrasing Lever, which no other player has or can have, full individual expression.

It isn't necessary-with the Angelus-even to see the music-roll that you are playing. As you pedal along, the song unfolds itself-

-with fingers on the Phrasing Lever and the Melodant

-make the song go slow or fast, loud or soft, as you will.

Memory will fill in the voices.

Demonstrations given in quiet test-rooms

Every business man should have an Angelus player-piano in his home, To revive happy memories and to create new ones.

THE KNABE ANGELUS is the Angelus in combination with the celebrated Knabe piano.

THE ANGELOPIAN is the Angelus installed within the golden-

toned Schomacker piano. THE EMERSON ANGELUS, as its name implies, is the Angelus in combination with the Emerson piano.

All of these instruments are to be found here in their various designs. Terms arranged covering deferred payments.

Piano Salons, First Gallery, New Building,

WANAMAKER Formerly A. T. Stewart & Co., Broadway, Fourth Avenue, Eighth to Tenth Street.

